

**CITY OF FOSTER CITY/  
ESTERO MUNICIPAL IMPROVEMENT DISTRICT/  
FOSTER CITY COMMUNITY DEVELOPMENT AGENCY**

**REGULAR MEETING OF OCTOBER 6, 2008**

**MINUTES**

**CALL TO ORDER OF FOSTER CITY COMMUNITY DEVELOPMENT AGENCY BOARD**

The Regular Meeting of October 6, 2008 of the Community Development Agency (CDA) of the City of Foster City was called to order at 7:30 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Chair Pam Frisella.

**ROLL CALL**

The Secretary called the roll:

**PRESENT:** Members Art Kiesel, John Kiramis, Linda Koelling, Rick Wykoff, and Chair Pam Frisella.

**ABSENT:** None.

**STAFF PRESENT:** James C. Hardy, Executive Director/Treasurer and Therese L. Calic, Secretary.

**CONSENT CALENDAR**

Motion by Vice Chair Kiramis, seconded by Member Koelling, and carried unanimously, 5-0-0, to adopt the Minutes of Regular Meeting of September 15, 2008 on the CDA Consent Calendar.

**REPORTS**

**ORAL REPORT FROM CLOSED SESSION ON AUGUST 4, 2008 RE 833/835 COMET DRIVE.**

City Attorney Savaree reported that at the Closed Session on August 4, 2008 held pursuant to Government Code 54956.8, the CDA Board instructed CDA negotiators regarding business terms with respect to the purchase of 833/835 Comet Drive [APN 094-090-150] that included giving authority to the Executive Director to purchase said property, for the CDA to accept the purchase of said property in the amount of \$1.4 million and consent to the recordation in its name, all of which has been done.

**RECESS.** The Chair recessed the CDA meeting at 7:32 p.m. and reconvened at 8:15 p.m. to consider the State Budget Adoption and Impacts on the CDA and City/District Fiscal Year 2008-2009 Budgets.

## STATE BUDGET ADOPTION AND IMPACTS ON CDA FISCAL YEAR 2008-2009 BUDGET.

State Senator Leland Yee gave an update regarding the status of the State budget. Contrary to information received by the CDA/City, Senator Yee stated that the State did not shift \$350 million from statewide redevelopment agencies to fund the Educational Revenue Augmentation Fund (ERAF) for FY 2008-2009 and that, therefore, the Foster City CDA will not have a negative budgetary impact of \$1,166,000.

This news was well received by the CDA Board and discussion ensued.

Executive Director Hardy presented the staff report.

No action was taken.

### **ADJOURNMENT**

Hearing no objection from the CDA Board, Chair Frisella adjourned the meeting. Meeting adjourned at 8:38 p.m.

### **CALL TO ORDER OF CITY COUNCIL/EMID BOARD OF DIRECTORS**

The Regular Meeting of October 6, 2008 of the City Council of the City of Foster City, sitting as said Council and as ex officio the Board of Directors of the Estero Municipal Improvement District (EMID), was called to order at 7:32 p.m. in the Council Chambers, 620 Foster City Boulevard, Foster City, San Mateo County, California, by Mayor/President Pam Frisella.

### **ROLL CALL**

The City Clerk/District Secretary called the roll:

**PRESENT:** Councilmembers/ex officio Directors Art Kiesel, John Kiramis, Linda Koelling, Rick Wykoff, and Mayor/President Pam Frisella.

**ABSENT:** None.

**STAFF PRESENT:** James C. Hardy, City/District Manager/City Treasurer; Jean B. Savaree, City Attorney/District Legal Counsel; Kristi A. Chappelle, Assistant City Manager; Ricardo Santiago, Finance Director; Steve Toler, Administrative Services Director; Ramon Towne, Director of Public Works; Kevin Miller, Director of Parks and Recreation; Craig Courtin, Chief of Police; Tom Reaves, Fire Chief; John Mapes, Fire Marshal; Jon Froomin, Police Captain; Matt Martell, Police Captain; Laura Galli, Assistant Engineer; Richard Heffern, Parks Maintenance Superintendent; Dorte Dastrup, Parks Lead Worker; Mike Sly, Video

Technician; and Therese L. Calic, City Clerk/District Secretary/Recording Secretary.

## **SPECIAL PRESENTATIONS**

### **PROCLAMATION FOR FIRE PREVENTION WEEK.**

On behalf of the City Council, Mayor Frisella declared October 5-11, 2008 as "Fire Prevention Week" and presented a proclamation to Fire Marshal Mapes.

## **PUBLIC**

William Kunz, 970 Swan Street, representing No Triton Towers gave his opinion to the City Council regarding unfunded mandates as it relates to proposed development in Foster City. He also commented that he did not think that Planning Commissioners should talk about service club related issues at Planning Commission meetings.

Mel Tobias, 606 Bainbridge, stated concerns about increasing the population and not increasing police and fire services. He suggested that dense housing be built closer to the Bay.

Linda Haskin, 1116 Halsey Boulevard, representing Friends of Foster City, talked about information contained in the Foster City Multi-Project Traffic Analysis Draft Report dated August 2008 including freeway levels of service, land use descriptions, and locations of recommended improvements and mitigation measures.

Dawn McDaniel, 600 Comet Drive, stated concerns about the size of the proposed Pilgrim-Triton development, traffic issues, and questioned if all regional agencies have been contacted.

## **CONSENT CALENDAR**

Motion by Councilmember/Director Koelling, seconded by Councilmember/Director Kiesel, and carried unanimously, 5-0-0, to approve the following items on the City/District Consent Calendar:

### City Consent Calendar

1. Minutes of the Special Meeting of September 8, 2008;
2. Minutes of the Regular Meeting of September 15, 2008;
3. City Resolution No. 2008-91, "A Resolution of the City Council of the City of Foster City Approving the Plans and Specifications and Authorizing the Call for Bids for (CIP 602) Synthetic Turf and Park Improvements, Catamaran and Sea Cloud S3 Project;"

## EMID Consent Calendar

4. Minutes of the Special Meeting of September 8, 2008;
5. Minutes of the Regular Meeting of September 15, 2008; and
6. EMID Resolution No. 3054, "A Resolution of the Board of Directors of the Estero Municipal Improvement District Authorizing the Award of a Contract to West Valley Construction Company, Inc. for Construction of (CIP 760) Water Main Condition Survey and Improvements Project."

## **ITEM REMOVED FROM THE CONSENT CALENDAR**

CITY RESOLUTION NO. 9008-92 AUTHORIZING STAFF TO PURCHASE TWELVE VEHICLES AND APPROVAL OF A BUDGET APPROPRIATION.

Mayor Frisella removed this item from the City Consent Calendar at the request of Councilmember Wykoff.

Motion by Councilmember Koelling, seconded by Vice Mayor Kiramis, and carried 4-1-0, Councilmember Wykoff voted "No," to adopt City Resolution No. 9008-92, "A Resolution of the City Council of the City of Foster City Authorizing Staff to Purchase Twelve Vehicles in the Amount of \$417,782 and a Budget Appropriation in the Amount of \$10,782."

Without objection from the City Council, Mayor Frisella took the following Resolutions for Adoption item out of agenda order.

## **RESOLUTIONS FOR ADOPTION.**

CITY RESOLUTION NO. 2008-93 OPPOSING PROPOSITION 5, ALSO KNOWN AS THE NONVIOLENT OFFENDER REHABILITATION ACT (NORA) ON THE NOVEMBER 2008 STATEWIDE BALLOT.

Police Chief Courtin presented the staff report.

Motion by Councilmember Koelling, seconded by Vice Mayor Kiramis, and carried unanimously, 5-0-0, to adopt City Resolution No. 2008-93, "A Resolution of the City Council of the City of Foster City Opposing Proposition 5, also Known as the Nonviolent Offender Rehabilitation Act (NORA) on the November 2008 Statewide Ballot."

CDA MEETING RECONVENED. The CDA Meeting reconvened at 8:15 p.m. to consider the State Budget Adoption and Impacts on the CDA and City/District Fiscal Year 2008-2009 Budgets.

## **REPORTS**

STATE BUDGET ADOPTION AND IMPACTS ON CITY/DISTRICT FISCAL YEAR 2008-2009 BUDGET.

State Senator Leland Yee provided an update regarding the newly signed State Budget and its impacts on local government.

City/District Manager Hardy presented the staff report.

Discussion ensued.

No action was taken.

The CDA meeting adjourned at 8:38 p.m.

RECESS. The Chair recessed the meeting from 8:38 p.m. to 8:46 p.m.

## **RESOLUTIONS FOR ADOPTION. [continued]**

CITY RESOLUTION NO. 2008-94 APPROVING THE RECOMMENDATION TO SELECT NORCAL WASTE SYSTEMS OF SAN MATEO COUNTY AND AUTHORIZING SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY [SBWMA] AND FOSTER CITY STAFF TO NEGOTIATE A FRANCHISE AGREEMENT FOR SOLID WASTE, RECYCLABLE MATERIAL AND ORGANIC MATERIAL COLLECTION SERVICES. TABLED FROM SEPTEMBER 15.

City Manager Hardy presented the staff report. This item was tabled from the regular meeting of September 15, 2008.

The following proposers addressed the City Council regarding their proposals and the selection process:

1. Evan Boyd, General Manager, Allied Waste Services of San Mateo County, 225 Shoreway Road, San Carlos;
2. Steven Jones, Kent Kenney, and Dick Button, Bayside Environmental Services & Transfer (BEST), 1160 Industrial Road, San Carlos; and
3. John Zirelli and Dan Day, Norcal Waste Systems, Inc. of San Mateo County, 1356 Marsten, Burlingame.

Cliff Feldman, SBWMA Recycling Programs Manager, answered questions from the City Council.

Discussion ensued.

Motion by Councilmember Koelling, seconded by Vice Mayor Kiramis, and carried unanimously, 5-0-0, to adopt City Resolution No. 2008-94, "A Resolution of the City Council of the City of Foster City Approving the Recommendation to Select Norcal Waste

Systems of San Mateo County and Authorize South Bayside Waste Management Authority [SBWMA] and Foster City Staff to Negotiate a Franchise Agreement for Solid Waste, Recyclable Material and Organic Material Collection Services.”

CITY RESOLUTION NO. 2008-95 APPROVING, AUTHORIZING, AND DIRECTING THE ISSUANCE OF REVENUE OBLIGATIONS BY THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY [SBWMA], AND DIRECTING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE PROJECT FINANCING OF THE SHOREWAY RECYCLING AND DISPOSAL CENTER (SRDC). MINUTE ORDER NO. 1110. TABLED FROM SEPTEMBER 15.

City Manager Hardy presented the staff report. This item was tabled from the regular meeting of September 15, 2008.

Hilary Gans, SBWMA Facility Operations Contract Manager, gave a presentation and answered questions.

Kevin McCarthy, SBWMA Executive Director, answered questions.

Kim Nakahara representing Bank of America addressed the City Council and answered questions.

Donald Gambelin, Allied Waste Services, 5801 Koll Center Parkway, Pleasanton, addressed the City Council.

Discussion ensued.

Motion by Councilmember Koelling, seconded by Councilmember Kiesel, and carried 3-2-0, Vice Mayor Kiramis and Councilmember Wykoff voted “No,” to adopt City Resolution No. 2008-95, “A Resolution of the City Council of the City of Foster City Approving, Authorizing and Directing the Issuance of Revenue Obligations by the South Bayside Waste Management Authority [SBWMA], and Directing Certain Related Actions in Connection with the Project Financing of the Shoreway Recycling and Disposal Center (SRDC).”

Minute Order No. 1110 was adopted by consensus of the City Council directing staff to provide regular updates regarding the status of issuance of the revenue bonds as well as the cost and project financing for the Shoreway Recycling and Disposal Center.

CITY RESOLUTION PROVIDING CONCURRENCE WITH THE APPROVAL OF AN AGREEMENT BETWEEN SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY [SBWMA] AND THE CITY OF SAN CARLOS PERTAINING TO THE SHOREWAY RECYCLING AND DISPOSAL CENTER. TABLED FROM SEPTEMBER 15.

City Manager Hardy presented the staff report. This item was tabled from the regular meeting of September 15, 2008.

Discussion ensued.

A motion by Councilmember Koelling and seconded by Mayor Frisella failed, 2-3-0, with Councilmember Kiesel, Vice Mayor Kiramis, and Councilmember Wykoff voting "No" to adopt a City resolution providing concurrence with the approval of an agreement between South Bayside Waste Management Authority (SBWMA) and the City of San Carlos pertaining to the Shoreway Recycling and Disposal Center.

## **COMMUNICATIONS**

CITY/DISTRICT WARRANT OF DEMANDS. NO ACTION TAKEN.

The City/District Warrant of Demands processed and issued September 10, 2008, September 17, 2008, September 24, 2008, and September 29, 2008 were listed on the agenda for information purposes only. No action was taken.

## **COUNCIL/BOARD STATEMENTS AND REQUESTS**

Councilmember Kiesel reported that at the League of California Cities Conference that he attended last week, many Southern California cities were talking about taking water from Northern California as well as being upset over the State's budget.

Regarding the comment made earlier in the evening by William Kunz that it is wasting the public's time when planning commissioners talk about service club related issues during planning commission meetings, Councilmember Wykoff stated that the service clubs do significant service for the community and that it is okay for the Planning Commissioners to take a few minutes to talk about any of the service clubs. He does not think that it is inappropriate to thank members of the service clubs for doing things for the community.

Councilmember Koelling reported that she received validation at the League of California Cities Conference last week that current land use planning trends include incorporating higher density and sufficient housing as well as minimizing traffic issues in our proposed developments which is what we are doing in Foster City.

Councilmember Koelling was impressed by a demonstration of a Big Belly Solar Trash Compactor that is being used in a City of Millbrae park. She would like staff to research the feasibility of putting one of these units at Sea Cloud Park.

Councilmember Koelling stated that she does not think that the State budget issues will be any better next year and she wants us to stay focused on what the legislators may or may not do and to make sure that they hear what we need.

In response to Mayor Frisella regarding openings on the Parks and Recreation Committee, City Clerk Calic advised the public that applications will be accepted until October 17th for upcoming vacancies on all of the citizen advisory committees.

## **CLOSED SESSION**

Mayor/President Frisella recessed the meeting into closed session for a conference with legal counsel pursuant to Government Code §54956.9(a) regarding the San Mateo County Superior Court Case No. CIV463526 City of Foster City v Elizabeth Karnazes.

Meeting recessed into closed session at 11:11 p.m. and reconvened at 11:19 p.m.

Mayor/President Frisella announced that no action was taken in closed session.

## **ADJOURNMENT**

Hearing no objection from Council/Board, Mayor/President Frisella adjourned the meeting. Meeting adjourned at 11:19 p.m.